

# **JOURNAL OF THE SENATE**

## **NINETY-FIRST SESSION**

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ELEVENTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Wednesday, January 27, 2016

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. Dan Bader, followed by the Pledge of Allegiance led by Senate page Alexandra Hansen.

Roll Call: All members present except Sens. Frerichs and Shorma who were excused.

### **APPROVAL OF THE JOURNAL**

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the tenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Gary Cammack, Chair

Which motion prevailed.

## REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Transportation respectfully reports that it has had under consideration SB 34 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

Respectfully submitted,  
Mike Vehle, Chair

Also MR. PRESIDENT:

The Committee on Local Government respectfully reports that it has had under consideration HB 1002 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Local Government respectfully reports that it has had under consideration SB 65 and returns the same with the recommendation that said bill be amended as follows:

65sb

On page 1, line 7, of the printed bill, overstrike "auditor" and insert "finance officer" in both places.

On page 1, line 13, after "." insert "When a petition to recall is filed with the finance officer, the finance officer shall present the petition to the governing body at its next meeting. Only the petition signatures may be challenged in the manner established in §§ 12-1-13 to 12-1-16, inclusive.".

On page 2, line 1, delete everything after "." .

On page 2, delete lines 2 and 3.

On page 2, line 4, delete everything before "The" .

1 65sc

2 On page 1, line 10, of the printed bill, delete "facts to support".

3 And that as so amended said bill do pass.

4 Respectfully submitted,  
5 Bob Ewing, Chair

6 Also MR. PRESIDENT:

7 The Committee on State Affairs respectfully reports that it has had under consideration  
8 SB 51 which was tabled.

9 Also MR. PRESIDENT:

10 The Committee on State Affairs respectfully reports that it has had under consideration  
11 SB 56 which was deferred to the 41<sup>st</sup> Legislative Day.

12 Respectfully submitted,  
13 Gary Cammack, Chair

14 **MESSAGES FROM THE HOUSE**

15 MR. PRESIDENT:

16 I have the honor to return herewith SCR 1 in which the House has concurred.

17 Also MR. PRESIDENT:

18 I have the honor to transmit herewith HB 1014, 1057, 1058, 1060, 1062, and 1063 which  
19 have passed the House and your favorable consideration is respectfully requested.

20 Respectfully,  
21 Arlene Kvislen, Chief Clerk

**CONSIDERATION OF REPORTS OF COMMITTEES**

Sen. Brown moved that the reports of the Standing Committees on  
Judiciary on SB 22 as found on page 136 of the Senate Journal; also  
Education on SB 5 as found on page 136 of the Senate Journal; also  
Education on SB 63 as found on page 137 of the Senate Journal; also  
Education on SB 8 as found on page 137 of the Senate Journal be adopted.  
Which motion prevailed.

**FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

SB 95 Introduced by: Senators Otten (Ernie), Monroe, and Tidemann and Representatives  
Werner, Bolin, Deutsch, Gosch, Heinemann (Leslie), and Qualm

FOR AN ACT ENTITLED, An Act to allow certain candidates for elective office to pay  
filing fees in lieu of submitting nominating petitions, and to create the election filing fee fund.

Was read the first time and referred to the Committee on Local Government.

SB 96 Introduced by: Senators Tieszen, Bradford, Brown, Ewing, Frerichs, Haverly,  
Hunhoff (Bernie), Novstrup (David), Olson, Otten (Ernie), Rusch, Shorma, Soholt, and Solano  
and Representatives Wollmann, Beal, Bolin, Deutsch, DiSanto, Dryden, Gibson, Gosch,  
Haugaard, Holmes, Jensen (Alex), Johns, Mickelson, Novstrup (Al), Otten (Herman), Partridge,  
Rasmussen, Rounds, Schoenbeck, Stevens, Westra, Willadsen, and Zikmund

FOR AN ACT ENTITLED, An Act to increase the pay for members of the Board of  
Pardons and Paroles.

Was read the first time and referred to the Committee on Judiciary.

SB 97 Introduced by: Senators Tieszen, Bradford, Brown, Ewing, Frerichs, Haverly,  
Hunhoff (Bernie), Novstrup (David), Olson, Otten (Ernie), Rusch, Shorma, Soholt, and Solano  
and Representatives Wollmann, Beal, Bolin, Deutsch, DiSanto, Dryden, Gibson, Gosch,  
Holmes, Jensen (Alex), Johns, Mickelson, Novstrup (Al), Otten (Herman), Partridge,  
Rasmussen, Rounds, Schoenbeck, Stevens, Westra, Willadsen, and Zikmund

1 FOR AN ACT ENTITLED, An Act to provide for the automatic removal of all Class 2  
2 misdemeanor convictions from background check records after ten years under certain  
3 conditions.

4 Was read the first time and referred to the Committee on Judiciary.

5 SB 98 Introduced by: Senators Rusch, Cammack, Rampelberg, and Tieszen and  
6 Representatives Qualm, Brunner, Duvall, Harrison, Johns, Klumb, Mickelson, Peterson (Kent),  
7 Rasmussen, Schoenfish, and Zikmund

8 FOR AN ACT ENTITLED, An Act to revise and repeal certain provisions regarding pork  
9 production.

10 Was read the first time and referred to the Committee on Agriculture and Natural  
11 Resources.

12 SB 99 Introduced by: Senators Brown, Cammack, Tidemann, and White

13 FOR AN ACT ENTITLED, An Act to accommodate legislation on Medicaid and medical  
14 services.

15 Was read the first time and referred to the Committee on State Affairs.

16 SB 100 Introduced by: Senators Brown, Cammack, Tidemann, and White

17 FOR AN ACT ENTITLED, An Act to enhance South Dakota.

18 Was read the first time and referred to the Committee on State Affairs.

19 SB 101 Introduced by: Senators Brown, Cammack, Tidemann, and White

20 FOR AN ACT ENTITLED, An Act to accommodate legislation relating to education in  
21 South Dakota.

22 Was read the first time and referred to the Committee on State Affairs.

23 SB 102 Introduced by: Senators Tidemann, Brown, Curd, Greenfield (Brock), Haverly,  
24 Heineman (Phyllis), Heinert, Novstrup (David), Otten (Ernie), Peters, Rampelberg, Soholt,  
25 Sutton, Tieszen, and White and Representatives Munsterman, Cronin, Dryden, Hawley, Ring,  
26 Romkema, Rounds, Schoenbeck, and Wiik

1 FOR AN ACT ENTITLED, An Act to allow certain alcoholic beverage licenses and special  
2 event alcoholic beverage licenses to be issued on certain lands and facilities located on state  
3 educational institution campuses.

4 Was read the first time and referred to the Committee on Commerce and Energy.

5 SB 103 Introduced by: Senators Tidemann, Brown, Haverly, and Peters and  
6 Representatives Mickelson, Bolin, Dryden, Hawley, Munsterman, and Werner

7 FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to transfer certain  
8 real property to South Dakota State University Growth Partnership, Ltd. For research park  
9 purposes.

10 Was read the first time and referred to the Joint Committee on Appropriations.

11 SB 104 Introduced by: Senators Vehle, Bradford, and Heineman (Phyllis) and  
12 Representatives Johns, Gibson, and Hunhoff (Jean)

13 FOR AN ACT ENTITLED, An Act to set the time period for when an agency may  
14 promulgate rules.

15 Was read the first time and referred to the Committee on State Affairs.

16 SB 105 Introduced by: Senators Holien and Olson and Representatives Bartling and  
17 Novstrup (Al)

18 FOR AN ACT ENTITLED, An Act to provide for the construction, renovation,  
19 improvement, remodeling, alteration, addition to and repairing of courthouses, jails and other  
20 necessary buildings.

21 Was read the first time and referred to the Committee on State Affairs.

22 SB 106 Introduced by: Senators Peters, Brown, Cammack, Heinert, Sutton, Tidemann, and  
23 White and Representatives Hunt, Bartling, Cronin, Gosch, Hawley, Mickelson, Westra, and  
24 Wink

25 FOR AN ACT ENTITLED, An Act to provide for the collection of sales taxes from certain  
26 remote sellers, to establish certain Legislative findings, and to declare an emergency.

27 Was read the first time and referred to the Committee on State Affairs.

28 SJR 1 Introduced by: Senators Jensen (Phil), Bradford, Curd, Ewing, Greenfield (Brock),  
29 Haggar (Jenna), Heineman (Phyllis), Holien, Monroe, Olson, Omdahl, Otten (Ernie), Peterson

(Jim), Sutton, Van Gerpen, and White and Representatives Haugaard, Anderson, Beal, Brunner, Campbell, Conzet, Craig, Deutsch, DiSanto, Gosch, Greenfield (Lana), Haggard (Don), Harrison, Heinemann (Leslie), Hunt, Kirschman, Klumb, Langer, Latterell, Marty, May, Novstrup (Al), Otten (Herman), Qualm, Rasmussen, Rounds, Russell, Schaefer, Schoenbeck, Schoenfish, Stalzer, Steinhauer, Tulson, Verchio, Werner, Wiik, Wollmann, and Zikmund

A JOINT RESOLUTION, Proposing a constitutional amendment to provide that the fundamental right of state citizens to bear arms cannot be infringed and is subject to strict scrutiny.

Was read the first time and referred to the Committee on Judiciary.

## FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1014: FOR AN ACT ENTITLED, An Act to authorize the sale of certain surplus real estate and to provide for the deposit of the proceeds.

Was read the first time and referred to the Committee on Education.

HB 1057: FOR AN ACT ENTITLED, An Act to revise the rule-making authority of the South Dakota Commission on Gaming.

Was read the first time and referred to the Committee on Commerce and Energy.

HB 1058: FOR AN ACT ENTITLED, An Act to revise the procedure for recovery of abandoned mineral interests.

Was read the first time and referred to the Committee on Judiciary.

HB 1060: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the South Dakota Board on Geographic Names.

Was read the first time and referred to the Committee on State Affairs.

HB 1062: FOR AN ACT ENTITLED, An Act to permit an order changing the name of a minor child without prior publication in certain instances.

Was read the first time and referred to the Committee on Judiciary.

1 HB 1063: FOR AN ACT ENTITLED, An Act to revise provisions regarding required  
2 notice of relocation of a minor child when a protection order is in place.

3 Was read the first time and referred to the Committee on Judiciary.

4 **SECOND READING OF CONSENT CALENDAR ITEMS**

5 SB 57: FOR AN ACT ENTITLED, An Act to redefine the term, written agreement,  
6 relating to contracts between a debtor and creditor.

7 Was read the second time.

8 The question being "Shall SB 57 pass?"

9 And the roll being called:

10 Yeas 32, Nays 0, Excused 3, Absent 0

11 Yeas:

12 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Greenfield (Brock);  
13 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Hunhoff (Bernie); Jensen (Phil);  
14 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);  
15 Rampelberg; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

16 Excused:

17 Frerichs; Holien; Shorma

18 So the bill having received an affirmative vote of a majority of the members-elect, the  
19 President declared the bill passed and the title was agreed to.

20 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

21 SB 21: FOR AN ACT ENTITLED, An Act to define a child advocacy center for the  
22 purpose of addressing child maltreatment.

23 Was read the second time.

24 The question being "Shall SB 21 pass?"

25 And the roll being called:

26 Yeas 33, Nays 0, Excused 2, Absent 0



1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Greenfield (Brock);  
3 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);  
4 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);  
5 Rampelberg; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

6 Excused:

7 Frerichs; Shorma

8 So the bill having received an affirmative vote of a majority of the members-elect, the  
9 President declared the bill passed and the title was agreed to.

10 SB 60: FOR AN ACT ENTITLED, An Act to set daylight savings time as the permanent  
11 year-round time for the state of South Dakota.

12 Was read the second time.

13 The question being "Shall SB 60 pass?"

14 And the roll being called:

15 Yeas 17, Nays 16, Excused 2, Absent 0

16 Yeas:

17 Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Greenfield (Brock); Haggar (Jenna); Heinert;  
18 Jensen (Phil); Monroe; Olson; Omdahl; Peters; Peterson (Jim); Rampelberg; Solano; Sutton

19 Nays:

20 Cammack; Fiegen; Haverly; Heineman (Phyllis); Holien; Hunhoff (Bernie); Novstrup (David);  
21 Otten (Ernie); Parsley; Rusch; Soholt; Tidemann; Tieszen; Van Gerpen; Vehle; White

22 Excused:

23 Frerichs; Shorma

24 So the bill not having received an affirmative vote of a majority of the members-elect, the  
25 President declared the bill lost.

26 SB 28: FOR AN ACT ENTITLED, An Act to require meningococcal immunization for  
27 school entry.

28 Was read the second time.

28rc

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Sen. Jensen (Phil) moved that SB 28 be amended as follows:

3

On page 1, line 14, of the printed bill, remove the overstrikes from "~~;~~~~or~~".

4

5

On page 1, line 15, remove the overstrikes from "~~(3) A written statement signed by one parent or guardian~~".

6

7

On page 2, line 2, before "." insert "that the parent or legal guardian holds philosophical beliefs opposed to immunizations".

8

Which motion lost.

9

The question being "Shall SB 28 pass?"

10

And the roll being called:

11

Yeas 23, Nays 10, Excused 2, Absent 0

12

Yeas:

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Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Fiegen; Haverly; Heineman (Phyllis); Heinert; Hunhoff (Bernie); Novstrup (David); Parsley; Peters; Peterson (Jim); Rampelberg; Rusch; Soholt; Solano; Sutton; Tidemann; Tieszen; Vehle; White

16

Nays:

17

18

Ewing; Greenfield (Brock); Haggard (Jenna); Holien; Jensen (Phil); Monroe; Olson; Omdahl; Otten (Ernie); Van Gerpen

19

Excused:

20

Frerichs; Shorma

21

22

So the bill having received an affirmative vote of a majority of the members-elect, the President declared the bill passed and the title was agreed to.

23

## COMMEMORATIONS

24

25

SC 4 Introduced by: Senator Hunhoff (Bernie) and Representatives Stevens and Hunhoff (Jean)

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28

A LEGISLATIVE COMMEMORATION, Commending and honoring the Yankton School District Board of Education on its selection as the Associated School Boards of South Dakota School Board Award of Excellence recipient for 2015.

1 WHEREAS, the Yankton School Board members work well as a team for the benefit of the  
2 students in the Yankton School District, and put in many hours beyond the regularly scheduled  
3 meetings to ensure a quality education for all students; and

4 WHEREAS, the Yankton School Board has many accomplishments such as an agreement  
5 with the Boys and Girls Club of Yankton to construct a new facility on the campus of the  
6 Yankton Middle School, a partnership with Lewis and Clark Behavioral Health to obtain a grant  
7 to help ensure mental wellness services to students and families, and obtaining a Governor's  
8 Career and Technical Education Grant to use in preparing students with skills in high need areas  
9 and in improving workforce development; and

10 WHEREAS, the district has a five-year strategic plan, which was developed by the board  
11 with input from more than eight hundred people within the Yankton community who completed  
12 a school district survey, and the board is trained at the highest level by the Associated School  
13 Boards of South Dakota with the newest members receiving their training online:

14 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninety-First Legislature of the  
15 State of South Dakota, that the Yankton School District Board of Education is hereby an official  
16 representative of the state, and its continuous efforts to seek improvement in the educational  
17 opportunities for the students of this state are hereby applauded.

18 Sen. Bradford moved that the Senate do now adjourn, which motion prevailed and at 3:24  
19 p.m. the Senate adjourned.

20 Kay Johnson, Secretary

